

**BILL NO.** \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 19 - MUNICIPAL COURT OF THE MUNICIPAL CODE OF THE CITY OF CHESTERFIELD, MISSOURI BY ADDING SECTION 19-16 TITLED "VICTIM'S BILL OF RIGHTS".**

**WHEREAS**, it is the belief of the Mayor and the City Council for the City of Chesterfield that victims of municipal violations need and deserve support and assistance to help them cope with the consequences of crime as well as navigate the complexities of an unfamiliar judicial system; and

**WHEREAS**, the City of Chesterfield has, through its Municipal Court, demonstrated its continued commitment to the rights and welfare of victims through court sponsored legal advocacy programs, availability on the part of the Municipal Judge and Prosecuting Attorney for contact by victims in person or via phone conference, and robust policies that ensuring timely restitution to victims; and

**WHEREAS**, the Mayor and the City Council for the City of Chesterfield are desirous that the City secure permanent and enforceable rights for victims to continue and define the City's protection of victims' rights; and

**WHEREAS**, the Mayor and the City Council for the City of Chesterfield believe the rights of victims granted herein are absolute and will serve to reinforce the policy of this City to hold the rights of victims paramount to the rights of Defendants.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI AS FOLLOWS:**

**Section I.** Chapter 19 of the Municipal Code of the City of Chesterfield is hereby amended by adding:

**Sec. 19-16 Victim's Bill of Rights.**

- (a) The ordinance provisions established in this and the following sections shall constitute and be designated as the Victim's Bill of Rights of the City of Chesterfield, Missouri, and may be so cited. In order to ensure the fair and compassionate treatment of victims of violations of the ordinances of the City of Chesterfield and to increase the effectiveness of the justice system of the City of Chesterfield, said victims as defined by law shall be entitled to certain basic rights to the extent that these rights do not interfere with the constitutional rights of the accused.

- (1) No part of this or any following sections shall be construed as creating a cause of action for monetary damages against the State, the City of Chesterfield, or any of the agencies, instrumentalities, or employees thereof.
- (2) No part of this or any following sections shall be construed to authorize a court to set aside or void a finding of guilt or innocence or an acceptance of a plea of guilty or to set aside any sentence imposed in any criminal case.

**(b) Definitions.**

**Defendant**

As used in this section, "Defendant" means a person charged with or convicted of violation the ordinances of the City of Chesterfield.

**Prosecuting Attorney**

As used in this section, "Prosecuting Attorney" means the Prosecuting Attorney, an Assistant Prosecuting Attorney, or a Special Prosecuting Attorney for the City of Chesterfield.

**Public Court Proceeding**

As used in this section, "public court proceeding" means any court proceeding or administrative hearing which is open to the public and shall include but not be limited to:

- (1) judicial pre-trial conference;
- (2) trial;
- (3) sentencing;
- (4) sentencing modification; and
- (5) probation revocation hearings.

**Victim**

**(1) In general.** As used in this section, "victim" shall mean a natural person, or legally recognized entity that suffers direct, proximate or threatened physical, emotional or financial harm as the result of the commission or attempted commission of an ordinance violation.

If a victim is physically or emotionally unable to exercise the privileges and rights under this provision, the victim may designate his or her spouse, child 18 years of age or older, parent, sibling, grandparent, or any other person 18 years of age or older who is neither the defendant nor incarcerated to act in his or her place while the physical or emotional

disability continues. The victim shall provide the Prosecuting Attorney with the name of the person who is to act in his or her place. During the physical or emotional disability, notices to be provided under this article to the victim shall continue to be sent only to the victim.

**(2) Minors and certain other victims.** As used in this section, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the term "victim" also includes the legal guardians of the victim or the representatives of the victim's estate, family members, or any other persons appointed as suitable by the Court, may assume the victim's right under this section, but in no event shall the defendant be named as such guardian or representative.

### **Violation**

As used in this section, "violation" shall mean any violation of a City ordinance committed against another individual or their property.

### **(c) Victim's Rights.**

- (1)** To be reasonably protected from the accused;
- (2)** To be treated with courtesy, compassion and with respect for their dignity and privacy, suffering the minimum of necessary inconvenience from their involvement with the municipal court system;
- (3)** Upon request of the victim, to receive a summary explanation by the Prosecuting Attorney regarding due process and justice system procedures;
- (4)** Upon request of the victim, to receive an un-redacted copy of the information and all reports and/or video alleging the violation;
- (5)** Upon request of the victim, to be provided reasonable, accurate, and timely notice of any public court proceeding, unless in the determination of the Court the interests of justice require otherwise;
- (6)** Upon request of the victim, to be present at public court proceedings;

- (7) Upon request of the victim, to be reasonably heard at any public court proceeding involving release, plea sentencing, or any probation revocation hearing, unless in the determination of the Court the interests of justice require otherwise;
- (8) Upon written request of the victim and accompanied by supporting documentation, to receive restitution from the defendant for the harm which they have suffered, unless in the determination of the Prosecuting Attorney or Court the interest of justice requires otherwise; and
- (9) Upon request of the victim, to request that the Prosecuting Attorney seek a speedy disposition of a case.

**(d) Bonds.**

Subject to the statutory limitations imposed upon the City of Chesterfield's Municipal Court regarding bond and bail for ordinance violations, the Court may require a bond and impose special bond conditions upon showing that a defendant poses a danger to a victim, the community or any other person.

**(e) Procedures of the Prosecuting Attorney.**

The Office of the Prosecuting Attorney may adopt policies and procedures consistent with this ordinance.

**Section II.** This ordinance shall be codified within the Municipal Code of the City of Chesterfield.

**Section III.** This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Bob Nation, MAYOR

ATTEST:

\_\_\_\_\_  
Vickie Hass, City Clerk